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9 Attorneys for Petitioner
10 ROMAN POLANSKI

11 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

13 ROMAN POLANSKI, an individual,

14 Petitioner,

15 v.

16 ACADEMY OF MOTION PICTURE ARTS
17 AND SCIENCES, a California corporation,

18 Respondent.

Case No. **19STCP01398**

**VERIFIED PETITION FOR WRIT
OF ADMINISTRATIVE
MANDAMUS**

19
20 Petitioner ROMAN POLANSKI, an individual, petitions for writ of administrative
21 mandamus under Code Civ. Proc. § 1094.5, or in the alternative under Code Civ. Proc. §
22 1085, directed to Respondent Academy of Motion Picture Arts and Sciences (the
23 “Academy”) to redress the Academy’s improper administrative action to summarily expel
24 Petitioner in violation of the Academy’s policies and regulations and in violation of
25 California Corporations Code §7341 (b) and (c).

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1 Petitioner alleges further:

2 **THE PARTIES**

3 1. Petitioner ROMAN POLANSKI, 85, was admitted as a member of the Academy
4 on December 31, 1968, with a letter signed by Gregory Peck, as President of the Academy,
5 and is entitled to the rights and privileges of all members of the Academy. Attached hereto
6 as Exhibit "A" is a true and correct copy of the Academy's letter of admission to Petitioner.

7 2. Petitioner ROMAN POLANSKI's motion picture films have been nominated by
8 the Academy twenty-eight (28) times for Academy Awards in various categories and have
9 won eight (8) Oscars. Petitioner POLANSKI himself has been nominated by the Academy
10 for six (6) Academy Awards, including nominations for best director for *Chinatown* in 1975
11 and *Tess* in 1981, and the Academy nominated and awarded Petitioner POLANSKI the
12 Oscar for best director for *The Pianist* in 2003.

13 3. Respondent ACADEMY OF MOTION PICTURE ARTS AND SCIENCES, a
14 California corporation formed May 4, 1927, operates as a nonprofit professional honorary
15 organization with the stated goal of advancing the arts and sciences of motion pictures. The
16 Academy's corporate management and general policies are overseen by a Board of
17 Governors, which includes three members from each of the Academy's 17 craft branches.

18 **JURISDICTION AND VENUE**

19 4. The Supreme Court, Courts of Appeal, Superior Courts, and their judges have
20 original jurisdiction in proceedings for extraordinary relief in the nature of administrative
21 mandamus directed to any inferior tribunal, corporation, board, or person. (Cal. Const., art.
22 VI, § 10; see Code Civ. Proc. § 1084; Code Civ. Proc. § 1094.5.)

23 5. Ordinary mandamus is a traditional remedy by which the court may, *inter alia*,
24 compel the admission of a party to the use and enjoyment of a right or office to which the
25 party is entitled, and from which the party is unlawfully precluded by that inferior tribunal,
26 corporation, board, or person. (Code Civ. Proc. § 1085.)

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1 6. The Superior Court for the County of Los Angeles, the county where the
2 Respondent is located, is the proper court for the hearing of this action. (Code Civ. Proc. §
3 395.)

4 **FACTUAL AND PROCEDURAL BACKGROUND**

5 7. On December 31, 1968, the Academy admitted Petitioner as a member with full
6 rights and privileges available to all members of the Academy. Attached hereto as Exhibit
7 “A” is a true and correct copy of the Academy’s letter of admission to Petitioner.

8 8. At all times, Petitioner remained a member in good standing.

9 9. On May 3, 2018, the Academy notified Petitioner POLANSKI by an unsigned letter
10 that he was summarily expelled from membership. A true and correct copy of the
11 Academy’s letter is attached as Exhibit “B”. The Academy thereafter offered Petitioner
12 POLANSKI an opportunity for reconsideration of the Academy’s decision, Petitioner sought
13 reconsideration of the Academy’s decision, and the Academy met on the morning of January
14 26, 2019 outside the presence of Petitioner and his counsel to consider Petitioner’s request
15 for reconsideration and summarily denied Petitioner’s request for reconsideration. Later that
16 morning on January 26, 2019, the Academy through its counsel notified Petitioner’s counsel
17 by telephone that the Academy had met to consider Petitioner’s request for reconsideration
18 and had denied his request for reconsideration.

19 10. On information and belief, the rules, policies, and regulations of the Academy
20 required the Academy to provide reasonable notice of any adverse action to be taken against
21 a member, and a reasonable opportunity for the member to be heard. The Academy failed
22 to comply with its own rules, policies, and regulations in expelling Petitioner without notice,
23 without an opportunity to be heard and deliberately violated California Corporations Code
24 §7341(b) & (c).

25 11. The Academy’s actions, sanctions, and decision against Petitioner are invalid under
26 Code Civ. Proc. § 1094.5 and alternatively, Code Civ. Proc. § 1085, on the grounds that the
27 Academy failed to grant Petitioner any notice and a fair hearing. The Academy committed
28 a prejudicial abuse of discretion in that the Academy failed to proceed in the manner required

1 by law, the Academy's expulsion decision is not supported by the findings, and the
2 Academy's findings are not supported by the evidence.

3 12. The Academy's decision against Petitioner is final and Petitioner has exhausted all
4 administrative remedies available to him.

5 13. Petitioner has no plain, speedy and adequate remedy in the ordinary course of law.

6 14. Petitioner has requested for Respondent Academy to produce the complete
7 administrative record of the Academy's administrative action to expel Petitioner, and
8 Petitioner reserves the right to augment, supplement, and modify his Petition when the
9 record is produced.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Petitioner prays the court for judgment as follows:

12 1. For an order commanding Respondent to set aside the order or decision against
13 Petitioner, and to reinstate Petitioner as an Academy member in good standing;

14 2. For reasonable attorney's fees and litigation expenses as permitted by statute, in
15 addition to any other relief granted or costs awarded;

16 3. For all costs of suit incurred in this proceeding; and


17 4. For such other and further relief as the court deems proper.

18
19 Respectfully submitted,

20 BRAUN & BRAUN LLP

21
22 Dated: April 18, 2019

By:



23 Harland W. Braun, Esq.
24 Joshua M. Moonesinghe, Esq.

25 Attorneys for Petitioner
26 ROMAN POLANSKI

VERIFICATION

I, Roman Polanski, am the Petitioner in the above-entitled action. I have read the foregoing **Verified Petition for Writ of Administrative Mandate** and know the content thereof to be true to my own knowledge, except to those statements made upon information and belief, and as to them, I believe them to be true

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Executed on

April 18, 2019 in Paris, France


Roman Polanski

EXHIBIT “A”

ACADEMY OF MOTION PICTURE ARTS AND SCIENCES

HOLLYWOOD, CALIFORNIA

GREGORY PECK
PRESIDENT

December 31, 1968

274-0311
card + check
593
cert 3/20/69

Mr. Roman Polanski
1600 Summit Ridge Drive
Beverly Hills, California 90210

Dear Mr. Polanski:

It gives me great pleasure to advise you that the Board of Governors of the Academy has authorized me to extend you an invitation to become a member of the Directors Branch.

The Academy is an honorary association of artists and craftsmen employed in the film industry, and our purpose is to foster cooperation among the creative leaders of our profession. Membership in our organization is offered to those who have made significant contributions to the arts and sciences of motion pictures.

The nominal dues of \$36.00 per year are tax deductible. If you wish additional information, please telephone the Academy membership office, CRestview 5-1146, Ext. 17, or Mrs. Margaret Herrick, Academy Executive Director.

An acceptance card is enclosed for your convenience.

Cordially,


Gregory Peck

GP:mc
Encl.

EXHIBIT “B”



May 3, 2018

Dear Mr. Polanski,

The Academy Board of Governors voted on Tuesday, May 1, to end your membership in the organization effective immediately, in accordance with the organization's Standards of Conduct.

The Board continues to encourage ethical standards that require members to uphold the Academy's values of respect for human dignity, and is categorically opposed to any form of abuse or harassment. The Board believes that these standards are essential to the Academy's mission.

The Board of Governors
Academy of Motion Picture Arts and Sciences